

JC02 Rec'd PCT/PTO 08 SEP 2005 PCT

Practitioner Docket No. 701039-050025 US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: ZETTER, Bruce et al.

Application No.: 10/537,455 Group No.: To be assigned

Filed I.A.: 09 January 2004 Examiner: To be assigned

For: METHODS FOR DIAGNOISIS AND PROGNOSIS OF CANCER

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a) and 1.10)

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1. Transmittal Form (1 pg.);
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3. Form 1449 (1 pg.);
4. References A1, B1 and C1-C2;
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Catherine Kearns
(Signature of person mailing paper)

September 3, 2005



PTO/SB/21 (09-04)
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/537,455
		Filing Date	09 January 2004
		First Named Inventor	ZETTER, Bruce et al.
		Art Unit	To be assigned
		Examiner Name	To be assigned
Total Number of Pages in This Submission		Attorney Docket Number	701039-050025 US

ENCLOSURES (Check all that apply)

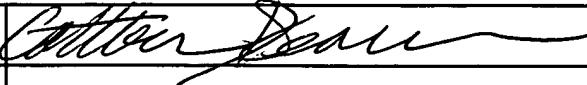
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Certificate of Mailing; Reference A1,B1, and C1-C2 and Return Receipt Postcard.
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Remarks	The Commissioner is hereby authorized to charge any fee deficiencies or credit any overpayment to the Nixon Peabody LLP Deposit Account 50-0850.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	NIXON PEABODY LLP		
Signature			
Printed name	David S. Resnick		
Date	9/6/05	Reg. No.	34,235

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Signature			
Typed or printed name	Catherine Kearns	Date	9/6/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Docket No.701039-050025 US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **ZETTER, Bruce et al.**

Application No.: **10/537,455**

Group No.: **To be assigned**

Filed: **I.A. 09 January 2004**

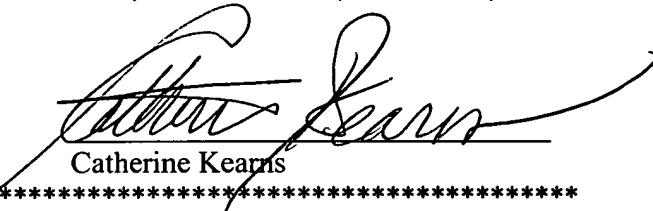
Examiner: **To be Assigned**

For: **METHODS FOR DIAGNOSIS AND PROGNOSIS OF CANCER**

CERTIFICATE OF MAILING

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Date: September 6, 2005



Catherine Kearns

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

In accordance with the provisions of 37 C.F.R. §§1.56 and 1.97, Applicants herewith submit the publications and/or patents shown on the attached form PTO-1449, for consideration by the Examiner in connection with the examination of the above-identified patent application.

I. REMARKS

In accordance with the provisions of 37 C.F.R. §1.97, this statement is being filed:

X (1) within three (3) months of the Filing Date or **before the mailing date of the First Office Action on the merits; or**

(2) within three months of the mailing date of the European Search Report; or

- (3) after the period defined in (1) but before the mailing date of a **Final Rejection or Notice of Allowance**, and the requisite Certification or fee under Rule 1.17(p), namely **\$180.00**, is included herein; or
- (4) after the mailing date of a **Final Rejection or Notice of Allowance** but before the payment of the **Issue Fee**, and the requisite Certification, petition, and petition fee are included herein.

It is respectfully requested that each of the documents shown on the attached form(s) PTO-1449 be made of record in this application. Copies of these documents (CHECK ONE):

X are enclosed herewith; and
— have been cited in the parent application, and are thus not being resubmitted herein.

Early examination and allowance of the present application are respectfully solicited.

FEE AUTHORIZATION

Should any fees associated with the submission be required, the Commissioner is authorized to charge the missing fee to our Deposit Account No. 50-0850. Any overpayments should be credited to said Deposit Account.

Respectfully submitted,



David S. Resnick (Reg. 34,235)
NIXON PEABODY LLP
100 Summer Street
Boston, MA 02110
(617) 345-6057

Date: September 4, 2005

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Substitute for form 1449 PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Application Number	10/537,455
				Filing Date	I.A. 09 January 2004
				First Named Inventor	ZETTER, Bruce et al.
				Art Unit	To be assigned
				Examiner Name	To be assigned
Sheet	1	of	1	Attorney Docket Number	701039-050025-US

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number - Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	A1	US 6,150,117	11/21/00	Zetter, Bruce et al.	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant Of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	B1	JP 08004717	7/29/00	Yokoyama et al.	

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published			
	C1	SHOU et al., "Expression profiling of a human cell line model of prostatic cancer reveals a direct involvement of interferon signaling in prostate tumor progression." <i>Proceedings of the National Academics of Science, USA</i> . March 5, 2002, Vol. 99, No. 5; 2830-2835			
	C2	YOKOYAMA, M., et al. "Identification and Cloning of Neuroblastoma-Specific and Nerve Tissue-Specific Genes through Compiled Expression Profiles." <i>DNA Research</i> , 1996, 3: 311-320			
		Date Considered			

*EXAMINER if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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